

1 something?

2 MS. ELOVECKY: I just was going to confirm that we
3 did have a confirmatory e-mail chain a few days later in
4 February where it was in writing for purposes -- the reason
5 for it was he was initially disclosed under attorneys' eyes
6 only, and we objected and had an agreement that it would be
7 confidential instead. So that was in writing a few days
8 later.

9 THE COURT: Okay. Go ahead.

10 MS. KLAUS: And that's it, your Honor.

11 Again, I understand why your Honor thinks that our
12 answer was false. It truly wasn't my intent --

13 THE COURT: Wait. You understand why I think it
14 was false?

15 MS. KLAUS: Yes.

16 THE COURT: Well, you understand it was false?

17 MS. KLAUS: I understand it was wrong, but I think
18 falsifying --

19 THE COURT: Are we going to quibble over words
20 here?

21 MS. KLAUS: I just want to convey there's no malice
22 and there was no intent.

23 THE COURT: You've told me that. I don't know you.
24 I don't know Mr. Nicholson too well. I hope to get to know
25 him better.

1 See, here's what I worry about. You're probably
2 never going to see me again so you might not care what you say
3 to me, but he does.

4 If I seem upset about this, it's because I am.

5 MS. KLAUS: I understand.

6 THE COURT: See, because when people spend money
7 litigating in court over falsehoods, it's a mockery of our
8 process. It's a mockery. You know, you are not -- I'm not
9 going to say any more about it. I don't want to be skeptical,
10 but you're telling me, you know, I told her, she should have
11 amended right way. Well, you also told her Voris was the
12 author. Maybe she wasn't quite satisfied with that, and she
13 was trying to do her homework and she took a deposition and
14 waited for the transcript. It doesn't seem like that much
15 time went by.

16 How does it prejudice you in any way to allow the
17 person who wrote these articles based primarily it sounds like
18 on his or her own personal knowledge, right, and I know that's
19 your point, well, that he should have been a defendant anyway,
20 but, you know, that's a litigation strategy and tactics issue
21 about who you sue. But you do sue the author, and they
22 alleged that Voris was the author. They sued Voris. You
23 said, you're right, he is the author, when he wasn't. You
24 explained that to me.

25 But why is a couple of months a problem?